

shall be tested at least once each month and whenever modified or disarranged.

§ 234.259 Warning time.

Each crossing warning system shall be tested for the prescribed warning time at least once every three months.

§ 234.261 Highway traffic signal pre-emption.

Highway traffic signal pre-emption interconnections, for which a railroad has maintenance responsibility, shall be tested at least once each month.

§ 234.263 Relays.

(a) Except as stated in paragraph (b) of this section, each relay that affects the proper functioning of a crossing warning system shall be tested at least once every four years.

(b)(1) Alternating current vane type relays, direct current polar type relays, and relays with soft iron magnetic structure shall be tested at least once every two years.

(2) Alternating current centrifugal type relays shall be tested at least once every 12 months.

§ 234.265 Timing relays and timing devices.

Each timing relay and timing device shall be tested at least once every twelve months. The timing shall be maintained at not less than 90 percent nor more than 110 percent of the predetermined time interval. The predetermined time interval shall be shown on the plans or marked on the timing relay or timing device.

§ 234.267 Insulation resistance tests.

(a) Insulation resistance tests shall be made when wires or cables are installed and at least once every ten years thereafter.

(b) Insulation resistance tests shall be made between all conductors and ground, between conductors in each multiple conductor cable, and between conductors in trunking. Insulation resistance tests shall be performed when wires, cables, and insulation are dry.

(c) Subject to paragraph (d) of this section, when insulation resistance of wire or cable is found to be less than 500,000 ohms, prompt action shall be taken to repair or replace the defective wire or cable. Until such defective wire or cable is replaced, insulation resistance tests shall be made annually.

(d) A circuit with a conductor having an insulation resistance of less than 200,000 ohms shall not be used.

§ 234.269 Cut-out circuits.

Each cut-out circuit shall be tested at least once every three months to determine that the circuit functions as intended.

§ 234.271 Insulated rail joints, bond wires, and track connections.

Insulated rail joints, bond wires, and track connections shall be inspected at least once every three months.

§ 234.273 Results of tests.

(a) Results of tests made in compliance with this part shall be recorded on forms provided by the railroad, or by electronic means, subject to approval by the Associate Administrator for Safety. Each record shall show the name of the railroad, AAR/DOT inventory number, place and date, equipment tested, results of tests, repairs, replacements, adjustments made, and condition in which the apparatus was left.

(b) Each record shall be signed or electronically coded by the employee making the test and shall be filed in the office of a supervisory official having jurisdiction.

(c) Each record shall be retained until the next record for that test is filed but in no case for less than one year.

(d) If a railroad elects to use an electronic means for recording and signing results of tests, such means must be approved by the Associate Administrator for Safety prior to use.

Issued in Washington D.C. on January 11, 1994.

Jolene M. Molitoris,
Administrator.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To List the Anadromous Atlantic Salmon (*Salmo salar*) Populations in the United States as Endangered or Threatened

AGENCY: Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of petition finding and request for information.

SUMMARY: The U.S. Fish and Wildlife Service and the National Marine

Fisheries Service (collectively, the "Services") announce a 90-day finding for a petition to add the anadromous Atlantic salmon (*Salmo salar*) populations occurring in the conterminous United States to the list of threatened and endangered wildlife and to designate critical habitat. The Services find that the petition presents substantial information indicating that the requested action may be warranted. The Services are initiating a status review to determine if the petitioned action is warranted. To assure the review is comprehensive, the Services are soliciting information and data on this species from any interested party.

DATES: The finding announced in this document was made on January 10, 1994. Comments and materials related to this petition finding may be submitted to the Chief, Division of Endangered Species, at the ADDRESS below until April 20, 1994.

ADDRESSES: Information, comments, or questions concerning the Atlantic salmon petition should be submitted to the Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035. The petition, finding, supporting data, and comments are available for public inspection, by appointment, Monday through Friday at the above address between 8 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Paul R. Nickerson (413-253-8615) at the above address or Douglas W. Beach (508-281-9254) of the National Marine Fisheries Service.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) (16 U.S.C. 1531-1544) requires that the Services make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the *Federal Register*. If the Services find that a petition presents substantial information indicating that the requested action may be warranted, section 4(b)(3)(B) of the Act requires the Services to make a finding as to whether or not the petitioned action is warranted within one year of the receipt of the petition.

On October 1, 1993, the Fish and Wildlife Service received a petition from RESTORE: The North Woods, the

Biodiversity Legal Foundation, and Jeffrey Elliot to list anadromous Atlantic salmon throughout its known historic range in the conterminous United States, and to designate critical habitat. An identical petition was received by the National Marine Fisheries Service on November 9, 1993. In response to the petition, the Services are conducting a joint status review. The petitioners presented current and historical information on salmon populations; identified possible threats, including commercial and sport fishing, pollution, barriers, land use practices, and genetic disruption; and cited numerous scientific articles to support the petition.

The anadromous Atlantic salmon populations in New England consist primarily of river runs restored or enhanced by fish of hatchery origin. Adult fish are captured upon returning, spawned in hatcheries, and their offspring are used to maintain the runs. In addition, juvenile offspring of sea-run stock are reared in captivity to sexual maturity, and their offspring are then released into the wild as fry. Major river populations, notably the Penobscot, Connecticut, and Merrimack Rivers, have been partially restored during the past 10 to 25 years after virtually, if not completely, disappearing. To the best of the Services' knowledge, the only remaining populations that are believed to consist, at least in part, of native fish in U.S. rivers occur in seven Downeast Maine rivers: the Dennys, Machias, East Machias, Narraguagus, Pleasant, Ducktrap, and Sheepscot Rivers. In the November 21, 1991, Animal Notice of Review (56 FR 58804), those populations in all but the Ducktrap and Sheepscot Rivers were designated as category 2 candidate species.

If it is determined that listing the species is warranted, then the Services will examine the need to designate critical habitat for anadromous Atlantic salmon. At that time, the Services would consider those physical and biological features that are essential to the conservation of the species and that may require special management or protection.

The Services find that the petitioner has presented substantial information indicating that the requested action may be warranted. This finding is based on the scientific and commercial information contained in the petition, referenced in the petition, and otherwise available at this time.

Listing Factors and Basis for Determination

Under section 4(a)(1) of the Act, a species can be determined to be

endangered or threatened for any of the following reasons: (1) Present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Listing determinations are made solely on the best scientific and commercial data available after taking into account any efforts made by any state or foreign nation to protect the species.

Information Solicited

To ensure that the review is complete and based on the best available scientific and commercial data, the Services are soliciting information concerning the following: (1) Whether any anadromous Atlantic salmon populations constitute distinct population segments, (2) abundance and distribution of anadromous Atlantic salmon, and (3) whether or not any population is endangered or threatened based upon the above listing criteria. Specifically, the Services are soliciting detailed information in the following areas: influence of historical and present hatchery fish releases on naturally occurring stocks of Atlantic salmon, separation of hatchery and natural Atlantic salmon stocks, alteration of Atlantic salmon freshwater and marine habitats, age structure of Atlantic salmon populations, and migration timing and behavior of juvenile and adult Atlantic salmon. The Services request that data, information and comments be accompanied by (1) supporting documentation such as maps, bibliographic reference, or reprints of pertinent publications; and (2) the person's name, address, and any association, institution, or business that the person represents. Such information may be submitted to the above address.

List of Subjects

50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

50 CFR Part 227

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

Authority: 16 U.S.C. 1531-1544.

Dated: January 10, 1994.

Moffie H. Beattie,

Director, Fish and Wildlife Service.

Roland A. Schmitt,

Assistant Administrator for Fisheries,
National Marine Fisheries Service.

[FR Doc. 94-1373 Filed 1-19-94; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Parts 222 and 227

[Docket No. 930779-3179; LD. 062993A]

Endangered and Threatened Species; Screening of Water Diversions To Protect Sacramento River Winter-Run Chinook Salmon

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: NMFS is extending for 90 days the public comment period on an advance notice of proposed rulemaking concerning screening requirements for water diversions from the Sacramento River and Delta to protect winter-run chinook salmon. The first comment period ended December 27, 1993.

DATES: Comments will be accepted until March 28, 1994.

ADDRESSES: Comments should be sent to Gary Matlock, Acting Regional Director, NMFS, Southwest Region, 501 West Ocean Blvd., suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: James H. Lecky, Protected Species Division, Southwest Region, NMFS, (310) 980-4015 or Margaret C. Lorenz, Office of Protected Resources, NMFS, (301) 713-2322.

SUPPLEMENTARY INFORMATION: On October 18, 1993, NMFS announced in an advanced notice of proposed rulemaking (58 FR 53703) that it was considering proposing regulations under the Endangered Species Act that would establish screening requirements for water diversions from the Sacramento River and Delta to protect the Federally listed winter-run chinook salmon. In the announcement, NMFS requested the following specific information from Federal and state agencies and private individuals and organizations: (1) The numbers, types, and sizes of existing unscreened and screened diversions; (2) the magnitude of entrainment losses of winter-run chinook salmon and other species caused by unscreened or poorly screened diversions; (3) the feasibility of installing positive-barrier screens or

other fish-deterrent devices to reduce these losses; (4) the estimated costs of screen design, installation, maintenance and evaluation; (5) the available funding

mechanisms for these activities; and (6) the availability and feasibility of alternative management options for reducing entrainment losses.

Dated: January 5, 1994.
William W. Fox, Jr.,
Director, Office of Protected Resources.
[FR Doc. 94-1113 Filed 1-19-94; 8:45 am]
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